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Report of the Special Rapporteur on extreme poverty and human rights on his mission to Mauritania

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on extreme poverty and human rights, Philip Alston, on his mission to Mauritania from 2 to 11 May 2016. The Special Rapporteur found that, while Mauritania has made a significant progress in alleviating poverty in recent years, a large part of the population continues to live in multidimensional poverty, deprived of access to adequate food, education, water and sanitation, and health care. He also found that Haratines and Afro-Mauritanians are excluded from almost all positions of real power and many aspects of economic and social life, which has the consequence of condemning them to poverty. Other challenges to eliminating poverty include the lack of recognition of social and economic rights, the absence of accurate and disaggregated data and shrinking civil society space. The recommendations made by the Special Rapporteur in the present report focus on the work of Tadamoun — the National Agency for the Eradication of the Vestiges of Slavery, Social Integration and Action to Fight Poverty — the Strategy for Accelerated Growth and Shared Prosperity and the Government's broader social protection policies and programmes.

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Report of the Special Rapporteur on extreme poverty and human rights on his mission to Mauritania*

Contents

		Page
I.	Introduction	3
II.	International legal framework	3
III.	Poverty in Mauritania	3
	A. Income poverty	3
	B. Multidimensional poverty	4
	C. Water	4
	D. Food	5
	E. Education	6
	F. Health	7
IV.	Specific issues	8
	A. Exclusion of Haratines and Afro-Mauritanians	8
	B. Land issues	10
	C. Civil registry	13
V.	Anti-poverty framework of Mauritania	13
	A. Tadamoun	13
	B. Cash transfer system and Emel shops	14
VI.	Challenges to eliminating extreme poverty	16
	A. Lack of recognition of social and economic rights	16
	B. Lack of accurate and disaggregated data	17
	C. Corruption and lack of transparency	17
	D. Lack of civil society space	17
	E. Coordination by donors	18
VII.	Conclusion and recommendations	18

* Circulated in the language of submission only and in French.

I. Introduction

1. Pursuant to Human Rights Council resolutions 8/11 and 26/3, the Special Rapporteur on extreme poverty and human rights visited Mauritania from 2 to 11 May 2016. The purpose of the visit was to evaluate and report to the Council on the extent to which the Government's policies and programmes relating to extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders.

2. The Special Rapporteur is grateful to the Government of Mauritania, particularly the Office of the Commissioner for Human Rights and Humanitarian Action, for its full support. During his mission, the Special Rapporteur met with the Prime Minister, the President of the National Assembly, the Minister of National Education, the Minister of the Interior and Decentralization, the Minister of Housing, Urban and Regional Development, the Minister of Social Affairs, Children and Families and the Minister of Economy and Finance. He also met with the Director General of Tadamoun, the National Agency for the Eradication of the Vestiges of Slavery, Social Integration and Action to Fight Poverty, the Director of the National Statistics Office, the Director General of the National Agency for Population and Identity Documents Registration, the Commissioner for Food Security and the President of the National Commission on Human Rights.

3. In Nouakchott, the Special Rapporteur met with representatives of political parties, civil society organizations, international organizations and the diplomatic community. He visited informal settlements in El-Mina and Dar el-Beida districts, and the regions (wilayas) of Gorgol, Brakna and Trarza. In those wilayas, he met with governors (walis), prefects (hakems), mayors, regional representatives of national ministries and agencies, representatives of civil society organizations and international organizations, and many individuals living in poverty.

4. The Special Rapporteur appreciates the assistance provided by various international organizations, particularly the World Bank and the United Nations Children's Fund (UNICEF). He is also grateful to non-governmental organizations (NGOs) and experts for the important assistance and advice provided.

II. International legal framework

5. Mauritania has ratified all the major international human rights treaties. It has also established the National Commission on Human Rights. However, despite the fact that the Commission has been accredited with "A" status by the Global Alliance of National Human Rights Institutions, it has adopted an extremely narrow interpretation of its role and is widely considered to be a mouthpiece for government policy, even in instances where it seems that human rights are clearly being violated.

III. Poverty in Mauritania

A. Income poverty

6. In many respects, Mauritania is a wealthy country as it is rich in minerals, fish, cattle and agricultural land in the Senegal River Valley. There have been significant achievements in alleviating poverty in recent years, especially in urban areas. However, in rural areas, large numbers of people continue to live in crushing poverty.

7. According to the Government's 2014 household survey, poverty decreased from 42 per cent in 2008 to 31 per cent in 2014.[1] Extreme poverty decreased from 25.9 per cent in

[1] Mauritania, *Enquête permanente sur les conditions de vie des ménages: Profil de la pauvreté en Mauritanie*, 2014, p. 9.

2008 to 16.6 per cent in 2014. However, the total number of poor people increased, owing to high levels of population growth.

8. The household survey defines poverty as an income of less than 169,445 ouguiyas per year (approximately $1.34 per day) and extreme poverty is set at 126,035 ouguiyas per year (approximately $1.14 per day). International standards, however, use the World Bank benchmark to define extreme poverty, which, until October 2015, was $1.25 per day, but has since been adjusted to $1.90 per day. Although the National Statistics Office is currently updating the poverty standard, the different thresholds mean that the 2014 household survey underestimates the true extent of poverty based on international standards.

9. Poverty in Mauritania is very unevenly distributed. The national poverty rate for 2014 was 31 per cent, which reflected a rural poverty rate of 44.4 per cent and an urban rate of 16.7 per cent, with 74 per cent of the poor population living in rural areas.[2] In 2015, the four most populated southern wilayas accounted for 55 per cent of the poor population in Mauritania.[3] While poverty rates in wilayas such as Nouakchott, Nouadhibou, Tirs Zemmour and Inchiri were below 24 per cent, poverty rates were higher than 38 per cent in the wilayas of Guidimagha, Tagant, Assaba, Brakna, Hodh el-Gharbi and Gorgol.[4]

10. Poverty is also very unevenly distributed across occupations. Households whose heads work in farming or livestock rearing had poverty rates of 59.6 per cent and 41.8 per cent, respectively, while those with heads working in the health or mining sectors had poverty rates of 4.9 per cent and 7.9 per cent, respectively.[5] The poverty rate for agricultural workers rose from 54 per cent in 2008 to 59.6 per cent in 2014.[6]

11. The unequal division of poverty has led to a rural exodus as a result of successive droughts, lack of access to water, food and decent employment as well as inadequate education and health-care services. Nouakchott is one of the fastest growing urban centres in Africa and already accounts for more than one quarter of the total population of Mauritania.[7] This has strained the capacity of public services in the capital. Many young people in the capital are neither in school nor employed and can thus be vulnerable to being drawn into criminal or terrorist activity.

B. Multidimensional poverty

12. Poverty should be understood as a multidimensional phenomenon involving much more than simply a lack of income. According to the 2015 Human Development Report of the United Nations Development Programme (UNDP), the rate of multidimensional poverty in Mauritania is 55.6 per cent, which accounts for multiple deprivations in education, health and living standards in the same household, with an additional 16.8 per cent of households approaching multidimensional poverty.[8] Thus, almost three quarters of the population is living in or approaching multidimensional poverty.

C. Water

13. The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses, including drinking,

[2] Ibid., p. 21.

[3] World Bank, *Mauritania — Social Safety Net System Project*, Project appraisal document, April 2015, p. 2.

[4] Mauritania, *Profil de la pauvreté en Mauritanie*, 2014, pp. 23-24.

[5] Ibid., p. 28.

[6] United Nations Development Programme (UNDP), *Rapport national sur le développement humain — Mauritanie*, 2015, p. 14.

[7] Mauritania, *Recensement général de la population et de l'habitat*, 2013, p. 11.

[8] UNDP, "Work for human development: Briefing note for countries on the 2015 Human Development Report — Mauritania", 2015. Available from http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MRT.pdf.

personal sanitation, washing of clothes, food preparation, personal and household hygiene.[9] Water should be within safe physical reach for all sections of the population, and be affordable and accessible to all.

14. In many of the rural areas that the Special Rapporteur visited, lack of access to water was a major and persistent problem. A woman in the town of M'bout described life as "hell", owing to the limited access to water, which was exacerbated by the heat. Others explained that, while they had access to a shared water tap, water flows were often interrupted. Subscription to a water tap costs approximately 15,000 ouguiyas ($42) per month, or 180,000 ouguiyas ($504) per year. This is very expensive and is higher than the national poverty line of 169,445 ouguiyas ($474) per year. In the village of N'Dadj-Beni Choufra, water comes from several wells; at the time of the mission, water levels were extremely low and villagers, mainly women and children, had to queue for water. The nearest water source to the commune of Bath Moyt was 4 kilometres away. Women were barely able to carry enough water home to satisfy the drinking water needs of their families. In all these cases, the local population indicated that multiple requests for Government assistance had gone unanswered.

15. Despite the Government's obligation to realize the right to water and to facilitate improved and sustainable access to water, particularly in rural and deprived urban areas, the rural water strategy described in the Poverty Reduction Strategy Paper Action Plan (2011-2015) contained few precise targets beyond increasing "the supply of safe drinking water in rural areas to 65 per cent" and providing "safe drinking water to 200 localities with more than 500 inhabitants in rural areas". Equally non-specific was the commitment to rehabilitate "the water distribution systems in towns in the interior".[10] While an update of the Strategy in 2016 contains some additional targets on access to water in rural and urban areas, it remains unclear how achievements will be monitored and measured.

D. Food

16. In accordance with its obligations under the International Covenant on Economic, Social and Cultural Rights, Mauritania shall take steps to ensure that everyone in its territory is free from hunger and can, as soon as possible, enjoy the right to adequate food. This requires the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles and the formulation of policies to mobilize available resources.[11]

17. According to the World Food Programme, Mauritania suffers from chronic food insecurity and a high prevalence of malnutrition. Agricultural capacity is underexploited, output is low and Mauritania depends heavily on food imports. The July 2015 Food Security Monitoring Survey showed that 26.8 per cent of Mauritanian households experienced food insecurity during the lean period, with the Government expecting that this percentage would decline slightly for the same period in 2016.[12] In rural areas, the figure was 34.7 per cent and in urban areas, it was 18.3 per cent. The wilayas of Hodh el-Charghi, Guidimagha and Gorgol are the most seriously affected and the situation has worsened in the wilayas of Brakna and Trarza and in the north because those wilayas have not received any effective emergency food assistance since the beginning of 2015. The nutritional situation of children between the ages of 6 and 59 months has deteriorated seriously in all of the wilayas in the south and the east. The wilayas of Hodh el-Charghi, Assaba, Gorgol, Brakna, Tagant and Guidimagha have global acute malnutrition (GAM) rates above the emergency level of 15 per cent set by the World Health Organization. Nouadhibou is the

[9] See Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, paras. 2 and 12 (a).

[10] International Monetary Fund (IMF), *Mauritania — Poverty Reduction Strategy Paper, vol. II: Action Plan 2011-2015*, pp. 98 and 129.

[11] See Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food, para. 21.

[12] Mauritania, Food Security Office, World Food Programme and Food and Agriculture Organization of the United Nations, *Enquête de suivi de la sécurité alimentaire*, July 2015.

only wilaya in Mauritania with a GAM rate that approaches acceptable levels at 3.6 per cent.

E. Education

18. The right to education requires that primary education be compulsory and free of charge to all, and that secondary education "be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education".[13] This means, among other things, that "all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials and so on."[14]

19. In Mauritania, many children are not in either primary or secondary school. The Ministry of Education Annual School Census (2014/15) showed a net enrolment ratio (NER) of 81.1 per cent for primary school.[15] Thus, almost 19 per cent of children who should be enrolled in primary school are not. While the Government has suggested that some of those children are already in secondary school, no statistics or other details were offered in support of the claim. The gross enrolment ratio (GER), which is a less precise method of measuring school enrolment, was 104.9 per cent for 2014/15, compared to 100.9 per cent in 2013/14. The regional differences are significant. While net school enrolment is nearly universal in the wilaya of Adrar, the wilayas of Gorgol and Trarza have a net enrolment of only 65.3 per cent and 78.4 per cent, respectively.[16] At the secondary level, GER stood at 32.7 per cent in 2014/15[17] and NER at 26 per cent.[18] NER at the secondary level was as high as 46 per cent in Nouakchott, but reached only 10.3 per cent in Hodh el-Chargi.[19] Regarding students in secondary schools, 29.4 per cent were enrolled in private schools.[20]

20. While these government figures are already cause for serious concern, the actual school enrolment rates may be even lower. The 2013 national census, showed GERs of only 72.4 per cent for primary school and 30.9 per cent for secondary school, and NERs of 47.2 per cent for primary school and 30.3 per cent for secondary school.[21] The significant discrepancies between the figures produced by the Ministry of Education and the National Statistics Office raise serious concern about the quality of Government data.

21. According to the Government, education expenditure as a percentage of gross domestic product (GDP) increased from 3.2 per cent in 2010 to 3.6 per cent in 2014.[22] However, these figures are hard to reconcile with World Bank data, which show a decline from 3.6 per cent in 2010 to 3.3 per cent in 2013. The World Bank also reported a decline in education spending as a percentage of total government expenditure, from 16 per cent in 2010 to 11.4 per cent in 2013. Internationally, Mauritania ranks among the bottom half of countries in terms of government expenditure on education as a percentage of GDP.[23] This may explain why only 380 of the 4,430 primary schools in Mauritania had electricity in 2014/15; it should be noted that 289 of the 380 schools were private schools.[24] Almost all of

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[13] International Covenant on Economic, Social and Cultural Rights, art. 13 (2) (b).

[14] Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education, para. 6 (a).

[15] Mauritania, Ministry of Education, *Annuaire des statistiques scolaires: année scolaire 2014-2015* (version provisoire), p. 7.

[16] Ibid.

[17] *Ibid., p. 71.*

[18] Ibid., p. 74.

[19] Ibid.

[20] Ibid., Introduction.

[21] Mauritania, *Recensement général de la population et de l'habitat, chap. 8 on alphabétisation, scolarisation et fréquentation scolaire.*

[22] Mauritania, *Rapport d'état sur le système éducatif national (RESEN)*, August 2015, p. 25, table 1.5.

[23] See www.cia.gov/library/publications/the-world-factbook/rankorder/2206rank.html.

[24] Mauritania, *Annuaire des statistiques scolaires 2014-2015.*

the people with whom the Special Rapporteur met outside of Government described the education system as being in shambles and claimed that private schools protected the children of the elite.

F. Health

22. The right to health encompasses the right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. Such facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, and must be affordable.[26]

23. During the Special Rapporteur's field visits, difficulties in accessing health facilities were repeatedly cited as a top concern. Although the relatively small population of Mauritania is spread over a vast territory, rural populations must not be condemned to grossly inadequate health-care services. The 350 residents of the village of Kouedi in Gorgol wilaya have to travel 7 kilometres to M'bout for any form of health care. In the commune of Bath Moyt, which consists of 12 villages, the sole health dispensary was staffed by one nurse and a midwife, at the time of the visit. Children are often affected by malaria and diarrhoea; in case of complications, villagers have to hire a taxi to travel over 20 kilometres to Monguel, at a cost of 8,000 ouguiyas ($22.4). For more complicated matters, patients have to travel to Kaédi, which costs 22,000 ouguiyas ($61.6). The only ambulance currently available to transport patients to the dispensary from various parts of the commune is a donkey cart. There was a health dispensary in the village of Keur-Madiké in Trarza wilaya, but the nurse had left two years ago and, at the time of the visit, had not been replaced by the Government.[27] The dispensary was deserted and locked, but expensive health equipment and medicines lay abandoned inside. Because there is no health-care facility in the village and the road to Rosso cannot be reached during the rainy season, villagers are obliged to cross the Senegal River into Senegal for emergency cases or in cases of birthing complications.

24. Despite the explicit requirements of international human rights treaties, women and children in rural Mauritania suffer from a total absence of prenatal and postnatal care. The predictable consequences of this neglect are starkly confirmed by the national statistics. Mauritania has one of the world's highest maternal mortality rates;[27] the 2013 census indicated a rate of 582 deaths per 100,000 live births.[28] However, World Bank data indicate that the rate was as high as 855 in 2013 and 602 in 2015. In 2015, the mortality rate for children under 5 years of age was 84.7 per 1,000, which is a tragic statistic that encapsulates how much remains to be done. That rate was almost double the target of 45 per 1,000 set in the 2011-2015 Poverty Reduction Strategy Paper Action Plan.[29]

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[26] Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, paras. 9 and 12 (b).

[27] In response to the initial draft of the present report, the Government stated that a new nurse had been assigned to the health centre. The Special Rapporteur has not been able to verify this claim.

[27] World Health Organization, UNICEF, United Nations Population Fund, World Bank Group and the United Nations Population Division, *Trends in Maternal Mortality: 1990 to 2015*, November 2015, p. 19.

[28] Mauritania, Ministry of Health, *Plan stratégique national de la santé de la reproduction 2016-2020*, December 2015, p. 7.

[29] IMF, *Mauritania — Poverty Reduction Strategy Paper, vol. II: Action Plan 2011-2015*, p. 127. See also p. 152, where the target is set at 55.

IV. Specific issues

A. Exclusion of Haratines and Afro-Mauritanians

25. There is a systematic absence from almost all positions of real power and a continuing exclusion from many aspects of economic and social life of Haratines (Black Moors) and Afro-Mauritanians. These groups make up over two thirds of the population of Mauritania, but various policies serve to render their needs and rights invisible. As a matter of policy, the Government does not collect statistics on the number of Haratines and Afro-Mauritanians living in Mauritania, nor does it disaggregate data in areas such as health and education to see how certain groups in society are faring vis-à-vis others.

26. Nevertheless, the 2013 census included a question about the respondent's mother tongue.[30] Data on languages spoken are, however, an imperfect proxy for ethnicity, which might explain why the published census report omitted section VI.8 of the questionnaire, dealing with the respondent's mother tongue.[31]

27. Although the ethnic composition of the population is a highly sensitive and contested matter in Mauritania, data are available from a range of sources. In a 2008 study, observers put the number of Haratines and Afro-Mauritanians combined at between 66 per cent and 75 per cent of the population.[32] Another source indicated that 30 per cent of the population was White Moor or Beydane, 40 per cent was Haratine and 30 per cent was Afro-Mauritanian. This would mean that Haratines and Afro-Mauritanians together make up 70 per cent of the population.[33] Various people with whom the Special Rapporteur spoke estimated the Haratine and Afro-Mauritanian population at between 70 and 80 per cent of the population. Another source estimated that Beydanes account for 27 per cent of the population, Haratines, 44 per cent, and Afro-Mauritanians, 29 per cent. The latter two groups combined thus make up 73 per cent of the population.[34]

28. The extent of exclusion of Haratines and Afro-Mauritanians from positions of power in society is reflected in a 2014 report, in which it is stated that, "out of 95 seats in the National Assembly, only 5 were held by Haratine; and out of the 56 senators only 1 was Haratine. Moreover, only 2 out of 13 regional governors and 3 of the 53 regional prefects were Haratine".[35] In the same report, it was noted that many non-governmental representatives had observed that the Arab-Moors dominated participation in political and economic life, whereas the majority of the population, mainly represented by the other two groups, had been de facto systematically excluded. According to another study, which used 2005 figures, 90 per cent of the officers in the military were Beydane, 7 per cent, Haratine and 3 per cent, Afro-Mauritanian.[36]

29. Extensive background research as well as conversations with a wide variety of interlocutors in Mauritania provided no reason to challenge these consistent findings. The United States of America Department of State estimated that Beydanes accounted for 27 per cent of the population, but occupied 80 per cent of the top leadership positions. Haratines (Black Moors) constituted 44 per cent of the population and held 10 per cent of those positions. The sub-Saharan ethnic groups, Halpulaar (18 per cent of the population in 8 per cent of the positions), Soninke (9 per cent in 1.5 per cent of the positions) and Wolof (2 per cent and in 0.75 per cent of the positions), remained greatly underrepresented in

[30] Mauritania, *Recensement général de la population et de l'habitat*, questionnaire, part IV.

[31] Ibid., chap. 1 on répartition spatiale.

[32] Anthony G. Pazzanita, *Historical Dictionary of Mauritania*, 2008, p. 415.

[33] See www.bibliomonde.com/donnee/mauritanie-population-393.html; also Anouar Boukhars, "Mauritania's precarious stability and Islamist undercurrent", Carnegie Endowment for International Peace, February 2016, p. 4.

[34] United States of America, Department of State, *Mauritania Human Rights Report 2015*, p. 14.

[35] See A/HRC/26/49/Add.1, para. 7.

[36] Vincent Bisson, "Échec et mat chez les Maures! Coups d'état et attentats en République Islamique de Mauritanie", *Recherches internationales*, No. 97, October-December 2013, p. 166.

leadership positions in the Government.[37] As a result, Beydane tribes and clans dominate positions in Government and business far beyond their representative proportion in the population. As a group, the Haratine remain politically and economically weaker than the Beydane, although it is the largest ethnocultural group in the country. The sub-Saharan ethnic groups, including the Halpulaar (the largest non-Moor group), Soninke and Wolof, were concentrated in the Senegal River Valley and urban areas. They, along with the Haratine, remain grossly underrepresented in leadership positions in Government, industry and the military.[38]

30. Despite such extensive evidence, the Special Rapporteur was consistently told by government officials that there is no discrimination in Mauritania and certainly not on the grounds of ethnicity, race or social origin. The Government claimed that the statistics put forward above are unscientific but did not offer any alternative statistics. The emphatic repetition of such an implausible claim might reasonably be taken as evidence of the contrary. In addition to this counter-intuitive factual claim, the position of the Government also has a deliberate policy component according to which it would be both discriminatory and divisive to acknowledge ethnic disparities. However, rather than being idealistic and altruistic, this approach is both self-serving by protecting the privileges of the dominant group and counterproductive by concealing the most significant societal challenges that need to be confronted. Group identity lies at the heart of politics everywhere and no more so than in a country that has only recently emerged from centuries of slavery and is still grappling with its ubiquitous consequences. To deny the relevance of ethnicity and insist that all citizens are treated in the same manner, without any effort to target particularly disadvantaged groups, is a recipe for the maintenance of the status quo.

31. Such denial policies also fuel instability. Economists and others speak of "horizontal inequalities" to describe inequality among groups defined in racial or cultural terms. For example, based on extensive empirical research, it has been observed that:

> When a group faces severe deprivation relative to other groups in social and economic dimensions, there is a strong motive to support political leaders representing the group. If such socioeconomic inequalities are accompanied by political exclusion, then group leaders may emerge to confront those in power with violence.[39]

32. Language policy is one way in which discrimination is achieved in practice. A State is fully entitled to designate a single official language, as Mauritania has done with Arabic. But in a multilingual State, in which many people do not speak the official language, it is incumbent upon the Government to adopt reasonable flexibility rather than insist that all official communications be in Arabic. The winners and losers of such a policy are not hard to identify.

33. To deal effectively with discrimination, the Government's commitment to ending the "vestiges of slavery" must be expanded to address directly the most enduring and consequential vestige — the continuing deep disempowerment of the great majority of former slaves. Furthermore, discussions of such vestiges should not be permitted to obscure the actual practice of slavery, which still exists in Mauritania. Because of the nature of the practice and the unwillingness on the part of the Government to collect meaningful data, it is difficult to estimate the exact number of slaves in Mauritania. The 2016 Global Slavery Index estimates that 43,000 Mauritanians or 1.06 per cent of the population is in a situation of slavery, based on 1,000 random-sample telephone or face-to-face surveys.[40] The 2014 figures were four times higher at 155,600 or 4 per cent of the population. However, the radical drop in numbers does not reflect changes on the ground, but rather a change in

[37] United States of America, Department of State, *Mauritania Human Rights Report 2015*, p. 14.

[38] Ibid., p. 22-23.

[39] Frances Stewart, "What horizontal inequalities are and why they matter", *European Progressive Observatory*, 21 July 2015. Available at www.queries-feps.eu/what-horizontal-inequalities-are-and-why-they-matter/.

[40] Walk Free Foundation, *Global Slavery Index 2016: Country Study — Mauritania*. Available from www.globalslaveryindex.org.

methodology. The 2014 estimate was based on pre-existing surveys and unidentified secondary sources. Such reporting does little to establish credibility and can actually undermine international monitoring efforts. By contrast, Anti-Slavery International estimates more prudently that "thousands of people still remain enslaved".[41]

34. The Government formally abolished slavery in 1981, but did not criminalize it until 2007 in Act No. 2007-048, followed by the inclusion in article 13 of the Constitution of a provision on punishing slavery and other forms of exploitation as crimes against humanity. In 2015, Act No. 2015-031, a new and more comprehensive law against slavery was adopted, which amended the 2007 Act. However, despite this important legal recognition of slavery as a serious human rights violation, the real problem lies with the implementation of the law. Civil society organizations refer to the "continued failure of police and administrative authorities to follow up instances of slavery brought to their attention, of prosecutors to adequately investigate reported cases and of judges at every stage of court proceedings to enforce proper procedure or sentence slave-owners in compliance with the law".[42] These omissions send a very inappropriate signal and it is hoped that the conviction in May 2016 of two slave-owners by a new Special Court for Slavery in Nema will be the beginning of a more serious effort by the State to eradicate slavery.

B. Land issues

35. The history of the land tenure system in Mauritania is highly complex and it is impossible to do full justice to that complexity in the present report. In essence, different groups traditionally followed different systems that were the product of agricultural conditions in the areas in which they lived and their different social structures.[43] The creation of a modern nation State after independence from France in 1960, as well as prolonged droughts since the 1970s, have brought major changes to traditional systems of land tenure.

36. During the period of military rule between 1978 and 1984, a new land law was adopted without any meaningful consultation. Ordinance 83-127 of 5 June 1983[44] was revolutionary because it recognized private land ownership and formally abolished the traditional land tenure system. Article 1 proclaims that the land belongs to the nation and that every Mauritanian could, without discrimination of any kind, in conformity with the law, become a landowner; article 2 recognizes and guarantees private land ownership, in conformity with sharia law; article 3 abolishes the system of traditional land tenure; and article 4 states that property rights can only be held by physical or moral persons.

37. The reasons underlying the adoption of the 1983 land law are heavily contested. Some suggest that the traditional land tenure system was eliminated because it was an obstacle to agricultural development.[45] The law has also been portrayed as a way of emancipating Haratines who were often trapped in feudal agricultural relationships with their masters.[46] A more critical interpretation is that the Beydane, who were not traditional landowners, but who were forced, owing to successive droughts, to give up their nomadic lifestyles, saw the land law as an opportunity to establish a foothold in the fertile south

[41] See Anti-Slavery International, "Slavery in Mauritania". Available at www.antislavery.org/english/slavery_today/descent_based_slavery/slavery_in_mauritania/default.aspx.

[42] See Minority Rights Group International and others, *Enforcing Mauritania's anti-slavery legislation: the continued failure of the justice system to prevent, protect and punish*, October 2015, p. 2.

[43] John Grayzel, "Modernizing land tenure in Mauritania: the rule of law in development", *Working papers on African Studies, No. 118*, African Studies Centre, 1986.

[44] Baring Foundation and Anti-Slavery International, "Programme de prévention et de résolution des conflits fonciers intercommunautaires en Mauritanie", May 2011, p. 13.

[45] World Bank, "Women's access to land in Mauritania", September 2015, p. 8.

[46] Baring Foundation and Anti-Slavery International, "*Programme de prévention et de résolution des conflits intercommunautaires en Mauritanie*", p. 14.

along the Senegal River.[47] For various reasons, many groups in Mauritania remain deeply critical of both the objectives and the consequences of this law.

38. In December 1984, Maaouya Ould Taya came to power through a coup. His policy of Arabization of the Government and the education system led to increasing tension between Moors (Beydanes) and Afro-Mauritanians. This tension was aggravated by the implementation of the 1983 land law[48] and culminated in the humanitarian situation (*passif humanitaire*) that occurred between 1989 and 1992. It involved the expulsion in April 1989 of an estimated 50,000 people to Senegal, comprising Afro-Mauritanian government employees suspected of belonging to the opposition and villagers living in the Senegal River Valley, predominantly, but not exclusively, from the Halpulaar or Peul ethnic group.[49] The identity cards of many were lost or confiscated during the expulsion. Many who stayed behind risked detention, torture and extrajudicial executions, and villagers were subject to persecution and had their land, houses and livestock confiscated or destroyed. In many cases, the land was taken by Beydanes or given to Haratines, who had been armed by the authorities and expected to arrange their own defence.[50]

39. There is an especially deep distrust among Afro-Mauritanian groups of the 1983 land law and related decrees, which are seen as tools to dispossess them of their lands. The legacy of the *passif humanitaire*, which involved the large-scale confiscation and redistribution of lands that they farmed, only exacerbated this distrust. In a study carried out by a non-governmental organization, around 100 "returnee villages" in which there are outstanding land conflicts were identified in the wilayas of Trarza, Brakna, Gorgol, Guidimakha and Assaba. In a landmark decision in 2000, the African Commission on Human and Peoples' Rights recommended that the Government of Mauritania take diligent measures to address the plight of the victims of the *passif humanitaire*, including through the "restitution of the belongings looted from them at the time of the said expulsion; and to take the necessary steps for the reparation of the deprivations of the victims".[51] However, in a review of the implementation measures submitted to the Commission in 2011, it was found that, despite various forms of assistance provided, only 220 hectares of land had been returned to a few returnees and local communities.[52]

40. The *passif humanitaire* and the related confiscation of land further exacerbated the problems that had already resulted from the adoption of the 1983 land law. In particular, there is still significant confusion on the part of those concerned about the regulations and procedures designed to implement the law.[53] The State has done very little to inform the population in this regard and has thus prompted even greater distrust of its intentions. Decisions taken by hakems, walis and the land commission to remove traditional land users and to allocate the land to external investors are widely considered to have been taken without proper consultation of those affected or without transparency and without proper notice. Reviews by other administrative authorities of local decisions, including the commissions set up under Decree 2014.075 of May 2014, are considered to be formalities and based solely on the limited information available in the relevant file, while the courts are unable to review land conflicts that involve traditional collectives. Finally, major problems stem from the fact that the vast majority of farmers who had worked the land for generations, often as part of collective entities, have no legal titles to the land. The World Bank estimates that there are only 27,000 formal property titles recorded in Mauritania

[47] John Grayzel, "Modernizing land tenure in Mauritania".

[48] Baring Foundation and Anti-Slavery International, "Programme de prévention et de résolution des conflits intercommunautaires en Mauritanie", p. 16.

[49] African Commission on Human and Peoples' Rights, communications Nos. 54/91, 61/91, 98/93, 164/97-196/97 and 210/98, *Malawi African Association and Others v. Mauritania*, decision adopted on 11 May 2000, paras. 13-14.

[50] Ibid., para. 17.

[51] Ibid., recommendations to the Government.

[52] African Commission on Human and Peoples' Rights, communications Nos. 54/91, 61/91, 98/93, 164/97-196/97 and 210/98, *Malawi African Association and Others v. Mauritania*, Implementation dossier, para. 33.

[53] See for example, decrees Nos. 2000/089 (2000), 2010/080 (2010) and 2014/75 (2014).

(only 3,177 of which relate to Trarza, Brakna, Gorgol and Guidimakha wilayas), out of an estimated 2 million potential landowners.[54] Those who are without titles live in severe insecurity because they are unable to register land that is owned either individually or collectively.[55] Even when land titles are issued, they are initially only temporary and on condition that the owner proves that he or she will add value to the land. In discussions with the hakem of Bogué, it was indicated that 30 per cent of land registrations in the area were of a temporary nature.

41. The Special Rapporteur visited villages in the wilayas of Brakna and Trarza that had been affected by land confiscations in the context of the *passif humanitaire* as well as more recently. The accounts provided by the villagers and the copies of petitions that they had sent to the relevant authorities over the years paint a consistent picture. In many cases, villagers have been deprived of large parcels of land that their communities had occupied and worked on for many generations. This was done without proper consultation and no compensation. Some of the farmers had been arrested and detained after protesting the decisions affecting their land tenure. Their lands were usually reallocated to Beydane businessmen or foreign investors and many suspect that corruption played a role in those decisions. The land that remains to them is not sufficient to provide a living and their access is often impeded by large-scale agribusiness projects, which rarely offer employment to the local population. Many young people have migrated to urban areas because they no longer see a future in their home villages. It is virtually impossible for small farmers to obtain loans from banks to buy seeds, fertilizer and equipment because their land tenure is not secure. Villagers are therefore left in poverty and despair. The frustration expressed about their situation and the injustice experienced are real and serious.

42. The contrast between the perspectives of the villagers who have been forced off their lands and those of the local authorities with whom the Special Rapporteur met was striking. Various local officials, including two hakems, said that there were absolutely no land conflicts in their administrative regions and that very significant benefits flowed to the local population from the large agribusiness projects. No figures were provided to substantiate those claims. When asked about specific large-scale projects in Dar el-Barka and Tékane, the authorities justified them with sweeping assertions such as that the local population was "lazy and reluctant to work".

43. It should be noted that the Government consistently refers to the 1983 land law to argue that no expropriations have taken place, but that is because the traditional owners were dispossessed of any previous claims by the law. However, the argument that land reallocations to outside groups can be achieved without any expropriations is formalistic and unconvincing.

44. It is clear that the current system of land tenure is the source of considerable conflict, contributes to the poverty of the agricultural populations and leads to lower productivity than would result from a more secure land tenure system. Major reforms are needed along with measures to ensure the resolution of the grave injustices resulting from the land confiscations that took place in the aftermath of the *passif humanitaire*. While the overall land tenure problems are complex and manifold, one starting point might be the road map to combat the vestiges of slavery that was adopted by the Government in March 2014 on the basis of the recommendations contained in the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.[56] The report contains a number of recommendations, one of which relates to the creation of favourable conditions for equal access to land rights. Civil society organizations have criticized the lack of implementation of the road map to date.[57]

[54] World Bank, "Women's access to land in Mauritania", p. 6.
[55] Ibid., p. 5.
[56] See A/HRC/15/20/Add.2.
[57] See http://unpo.org/article/18958.

C. Civil registry

45. The adamant insistence on the part of the Government that it cannot take account of ethnicity in its policies has the effect of reinforcing the status quo. An egregious example of this is the fact that individuals from the less-favoured groups — Haratines and Afro-Mauritanians — make up the overwhelming majority of those who have been unable to obtain a national identity card, without which very little can be done in Mauritania. Despite requests to the Government by the Special Rapporteur for an estimate of how many adults in Mauritania lack proof of registration of civil status in the form of a national identity card, no convincing answers were forthcoming. Although the problem is clearly a major one, the Government either does not know, or is unwilling to disclose, how many people have not been registered. Persons without an identity card cannot attend school beyond the primary level,[58] cannot qualify for many government benefits, cannot vote and generally cannot own land. The bureaucracy responsible for issuing identity cards is cumbersome and determinedly unresponsive and challenging the system is beyond the means of most of those affected. Appeals must be brought before the court, and a host of bureaucratic arrangements have been introduced by law and in practice, which have the effect of deterring many applicants, most of whom are Haratine or Afro-Mauritanian.

46. Although by no means limited to them, the resulting system is especially problematic for those Afro-Mauritanians who were expelled in the late 1980s and early 1990s in the context of the *passif humanitaire*, whose identity documents were confiscated or lost, and who, upon return, have encountered severe difficulties in obtaining identity documents in order to enjoy full citizenship rights.[59] This group can roughly be divided into two groups: those who returned voluntarily, mostly in the 1990s, and those who returned as the result of a tripartite agreement between Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees in 2007. Both groups have had serious problems obtaining identity cards, although the latter group has benefited from protections under the tripartite agreement.

V. Anti-poverty framework of Mauritania

A. Tadamoun

47. Tadamoun — the National Agency for the Eradication of the Vestiges of Slavery, Social Integration and Action to Fight Poverty — was established in 2013 with three separate but related mandates: to combat poverty, to address the consequences of slavery and to design and implement programmes to promote the reintegration of Mauritanian returnees who had fled during the *passif humanitaire*. The agency has opted to take a very low profile in relation to the last two roles. Instead, its management argues that general anti-poverty development projects will best address all three mandates, thus relieving it of the need to design special programmes or policies to focus on the particular needs of the two specific groups that it was set up to address. This policy is defended on the grounds that it is better not to single out particular groups for advantageous treatment, let alone acknowledge that ethnicity is at the heart of much of the poverty in the country. When asked about the composition of the agency and whether it sought to achieve any sort of ethnic balance among its staff, the Director General replied adamantly that such an approach was unthinkable and that ethnicity was neither a relevant nor an appropriate consideration. This position seems especially difficult to defend in a society in which virtually every person outside of Government with whom the Special Rapporteur spoke

[58] The latest obstacle imposed by the Government is Circular No. 20 of 20 April 2016, which requires all children aged 10 and over to have an identity card to sit for exams at the end of the primary school cycle.

[59] African Commission on Human and Peoples' Rights, communications Nos. 54/91, 61/91, 98/93, 164/97-196/97 and 210/98, *Malawi African Association and Others v. Mauritania*, Implementation dossier, paras. 16-25.

suggested that most things in Mauritanian society and, above all, in politics, are decided on the basis of ethnic considerations.

48. In any event, the overall policy option chosen by the Government means that its lead agency is not directly addressing two of the most urgent social problems in the country. While Tadamoun calls itself a development agency, in practice it acts more like a charitable organization seeking to leave its mark through construction activities. The 2014-2015 report of the agency contains a list of schools, health facilities, dams, wells and social housing that have been constructed, as well as materials and goods, such as milk cows, ploughs and grain mills, that have been provided to repatriated households. The agency has provided very few details as to how priorities are set, beneficiaries selected and sustainability ensured. The agency is generally neither responsible for, nor engaged in, the process of making its constructions operational. Schools and health centres are simply turned over to the relevant authorities in the hope that they will find the human resources and administrative capacity to operate, maintain and repair the facilities, often in situations where no such capacity or will has previously been demonstrated.

49. The roughly $20-million annual budget of the agency is depressingly small in relation to the enormity of the problems it is supposed to address. In identifying priority concerns or areas or in selecting particular projects to fund, the agency does not appear to operate on the basis of established and transparent criteria. Whatever the reality of its methods of functioning, such an approach leaves the agency open to allegations of patronage and favouritism and suggestions that it is not primarily concerned with the principled targeting of the needs of the most vulnerable members of society.

50. Tadamoun officials encouraged the Special Rapporteur to visit some of its major projects but, since his visit programme had been set long before the suggestion was made, he was only able to visit one project: a school built in 2015 in Dar el-Barka, but which was not yet open. The school, built at a cost of 84 million ouguiyas is an impressive edifice, towering like a yellow Taj Mahal in the midst of a very poor and not especially densely populated desert area. It is clearly a matter of great pride for both Tadamoun and the local authorities and has impressive offices for administrators and classrooms equipped with rows of brand new desks and vast blackboards.

51. The new school is a dramatic contrast with other schools that the Special Rapporteur visited, which were hugely overcrowded, grossly understaffed, lacked a reliable water supply and, in some cases, lacked functioning toilets. Interlocutors assured the Special Rapporteur that the school was on a scale unprecedented even in Nouakchott. However, it is not at all clear whether such a grandiose school is viable in terms of availability of teachers, money for upkeep and the possibility of ensuring adequate water supply and toilets. Even if the new school proves to be the exception and remains viable, the question still remains as to whether the scarce resources available to Tadamoun are best spent on constructing a handful of grand symbolic structures or should rather be devoted to the vast and pressing unmet needs of existing schools around the country, whose buildings are falling down, whose toilets do not work and which have serious problems attracting and retaining teachers because the facilities and accommodation available are so poor.

B. Cash transfer system and Emel shops

52. A significant part of public social expenditure (excluding education and health care) relates to the Emel programme, which was started in 2011 in response to a severe drought and related food insecurity. The largest component of the programme is the Emel shops, a network of subsidized food shops around the country. Public spending on the programme peaked in 2012 at 32.72 billion ouguiyas, declined to between 12.9 billion and 14.4 billion ouguiyas in 2013,[60] then rose to 21 billion ouguiyas in 2015 and is expected to reach 21.79 billion ouguiyas in 2016. The programme is financed largely from domestic resources, but

[60] Aline Coudouel and Thomas Dickinson, *Building on crisis response to promote long-term development: a review of social safety net programs in the Islamic Republic of Mauritania — 2008-2013* (Washington D.C., World Bank Group, 2014), p. 15.

the Ministry of Economy and Finance and the international financial institutions consider that it is excessively expensive and a highly inefficient way of targeting the extremely poor.

53. In April 2015, the Government and the International Development Association of the World Bank agreed on a project to introduce a cash transfer programme, accompanied by a social registry of all poor households. Funding for this $29-million project will come from the World Bank ($15 million), the Sahel Adaptive Social Protection Multi Donor Trust Fund ($4 million from the United Kingdom of Great Britain and Northern Ireland) and the Government of Mauritania ($10 million) over a period of five years. Project documents indicate that the cash transfer system could make it possible to phase out the Emel programme, thus enabling significant overall savings and providing resources for the cash transfer programme as well as possible "cash plus" social programmes. While no decision has yet been taken to this effect, the option is definitely on the table, although it is not being publicly discussed.

54. The first phase of the project is to set up a national social registry to track the poorest 150,000 households, 100,000 of which will eventually receive cash transfers. The registry might also be used for other purposes. The methodology for identifying registered households is as follows: (a) set quotas per geographical, rather than administrative, areas for the number of poor households to be included; (b) a targeting committee for each area would identify the poor households in the area, in accordance with the quota; and (c) selected households would complete proxy means test questionnaires on the basis of which non-poor households can be filtered out. A complaint mechanism is foreseen for those who believe that they have been unfairly excluded from the registry.

55. In the second phase of the project, a nationwide cash transfer programme will pay 15,000 ouguiyas ($42) every three months to 100,000 poor households, at a cost of 6 billion ouguiyas per year. The programme will be administered by Tadamoun. According to current plans, cash transfers will not be conditional on the recipient meeting certain requirements, such as enrolling children in school or participating in vaccination programmes. The reason cited for avoiding such conditions is telling: the unavailability of education and health-care services for the poor in Mauritania would make such conditions unreasonable.

56. Several observations on the programme are in order, based on the extensive discussions that the Special Rapporteur had with government experts and staff of international organizations and on his field visits to M'bout in Gorgol wilaya, where the first phase of the project was being rolled out, and to the villages of N'Dadj-Beni Choufra and Kouedi, where he spoke to individuals who had been selected for registration in the social registry.

57. In 2013, Mauritania adopted a national social protection strategy, which contains a broad and multidimensional concept of social protection, explicitly recognizes social protection as a human right and ties social protection to the implementation of the International Labour Organization Social Protection Floor Initiative. Since the adoption of the strategy, most social protection efforts have focused narrowly on food assistance, which is only one of the five pillars of the strategy. While a nationwide cash transfer programme could be an important element of an overall social protection policy, there are concerns that the cash transfer programme will effectively crowd out other programmes relating to the pillars of the strategy. Although the strategy was accompanied by the introduction of an institutional mechanism to coordinate social protection measures, that mechanism has been described as dysfunctional and without a clear ownership among line ministries.

58. Various interlocutors have criticized the Emel shops for having an urban bias; not reaching the extremely poor who do not even have enough money to buy food in subsidized stores; being inefficient owing to the high costs involved in operating the shops;[61] and providing opportunities for corruption. Despite these shortcomings in a programme originally set up only as a temporary emergency measure, it is now in its sixth year and many Mauritanians rely heavily on this network of more than 1,000 shops. In a poor

[61] Ibid., p. 24.

country like Mauritania, where some 70 per cent of the food is imported, the closing down of a programme that supports a sizeable part of the population in accessing food should be approached carefully, taking into account the social unrest experienced in other countries in the wake of the elimination of food subsidies in a context of volatile world food prices.[62]

59. While Emel spending for 2016 is approximately 22 billion ouguiyas, the cash transfers currently envisaged will only cost 6 billion ouguiyas, not including administrative costs. The Minister of Economy and Finance has suggested that funds freed up by phasing out the Emel programme would go to the cash transfer programme and other social protection measures, however, this does not seem to be the expectation of any other actors. It is crucial for success in eradicating poverty in Mauritania that at least current overall levels of spending on social protection measures be maintained.

60. In addition, while the World Bank is convinced that the poorest people can be accurately targeted, such scientific accuracy seems unlikely in practice. Identifying the poorest in a community is not a straightforward process. Much depends on the definition and procedures used. The current methodology may prevent so-called inclusion errors, but there are doubts as to whether it can prevent exclusion errors. Households are selected on the basis of a grouping of villages, which opens up the possibility for discrimination and conflicts among villages and villagers. This is especially problematic in Mauritania where ethnic minorities live closely together and sometimes share a troubled common history. It also remains unclear who has the final say in the selection of poor households and to what extent the process involves genuine consultation and participation. A hotline is foreseen for those who believe that they have been wrongly excluded, however, in the Mauritanian context, it is doubtful that such a complaint mechanism could be either genuinely accessible or independent. It is hoped that after the initial phase of the programme, stakeholders will be given the opportunity to evaluate the targeting methodology and propose improvements.

61. Several other observations are in order. A cash transfer of 15,000 ouguiyas every three months equates to only about one third of the monthly income at the national poverty line. Based on conversations with experts, this seems too low to achieve the desired impact on the lives of the targeted households. Although government officials have suggested that a higher amount would encourage indolence and dependence, this seems unlikely. Failure to adjust the amount to reflect household size is problematic. Neither the cash transfer programme nor the social registry are anchored in law, therefore they could be eliminated at any stage. Similarly, eligibility requirements are not spelled out and there is no requirement to actually set up a complaints mechanism. Finally, the source of future financing for the programme is uncertain, thus raising doubts about its sustainability.

VI. Challenges to eliminating extreme poverty

A. Lack of recognition of social and economic rights

62. Economic, social and cultural rights are referred to in the preamble of the Constitution, but are not addressed in any substantive provisions, nor are they recognized in any meaningful way in legislative form. Official recognition would begin to transform the way in which policies are conceived, formulated and implemented in Mauritania. Instead of being rights based, Mauritania's social policies are conceived more in terms of charitable acts towards its citizens. While charitable obligations are an important and admirable part of Islamic doctrine, they do not capture the nature and scope of the formal obligations owing to its inhabitants under international human rights law.

[62] Marc F. Bellemare, "Rising food prices, food price volatility and social unrest", *American Journal of Agricultural Economics*, vol. 97, No. 1, January 2015, pp. 1-21.

B. Lack of accurate and disaggregated data

63. Mauritania has a strong professional National Statistics Office, but when sensitive issues such as ethnicity are involved, political manipulation of data collection, analysis and dissemination come into play. As a result of the manipulation of the data and the refusal to disaggregate it in terms of ethnicity, language and other such vital dimensions, it is extremely difficult to obtain an accurate picture or design effective policies.

C. Corruption and lack of transparency

64. Mauritania ranks 112th on the Transparency International Corruption Perceptions Index (2015). High levels of corruption have led the Committee on Economic, Social and Cultural Rights to call upon the Government to intensify its efforts to combat corruption and the associated impunity and ensure the transparency of the conduct of public affairs, in law and in practice.[63] Corruption and lack of transparency are barriers to the eradication of poverty because resources are used inefficiently. Given the importance of tax revenues from the extractive sector, improved transparency is crucial.[64]

D. Lack of civil society space

65. Despite the rhetoric about participatory and community-based approaches, the Government shows little interest in citizen or civil society participation in public decision-making. Instead, NGOs other than those supportive of or supported by the Government are considered suspect at best. Various government interlocutors described civil society as being intent on destabilizing Mauritania. The law requiring NGOs to obtain prior authorization from the Minister of the Interior is applied very restrictively. As a result, many groups are "unauthorized", which seriously obstructs their ability to function properly and to exercise their right to freedom of association.[65]

66. This legislative obstacle to forming civil society organizations is part of a broader pattern. Local activists have been repeatedly detained during protests against land expropriations and other land-related issues in the Senegal River Valley. The best-known case is that of Biram Dah Ould Abeid, President of the Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania) and 2014 presidential candidate, who was arrested in Rosso, Trarza wilaya, in November 2014, and detained for over 18 months. Subsequently, between 30 June and 9 July 2016, 13 key IRA-Mauritania members were reportedly arrested, along with 10 other individuals, in connection with a protest against forced evictions in Ksar, Nouakchott, on 29 June 2016, during which several people, including police officers, were wounded.[66] The IRA-Mauritania activists were reportedly accused of rebellion, use of violence, attack against public authority, armed assembly and membership in an unrecognized organization. They have denied having participated in or organized the eviction protest. There are strong indications that the arrests and convictions were politically motivated and targeted at the anti-slavery activism of the group. The Special Rapporteur expresses particular concern that these arrests took place shortly after his visit to Mauritania in May 2016 and may have been partly in reprisal for the group's cooperation with him during his visit. The trial of the IRA-Mauritania members was

[63] See E/C.12/MRT/CO/1, para. 9.

[64] See IMF, *The Islamic Republic of Mauritania*, Country report No. 15/35, February 2014, p. 14. Available from www.imf.org/external/pubs/cat/longres.aspx?sk=42703.0; and Extractive Industries Transparency Initiative, *Rapport d'activités de l'année 2013 du Comité National de l'ITIE de la République Islamique de Mauritanie*. Available from https://eiti.org/sites/default/files/documents/2013_mauritania_annual_activity_report_fr.pdf.

[65] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16302&LangID=E.

[66] See A/HRC/34/75, Communication sent to the Government of Mauritania by eight special procedure mandate holders (MRT 1/2016) on 2 August 2016.

reportedly marred by irregularities and fell short of international standards.[67] On 18 August 2016, the Criminal Court of West Nouakchott sentenced the 13 activists to 3 to 15 years' imprisonment, allegedly on the basis of insufficient evidence, and dismissed credible claims of torture while in detention. On appeal, the matter was transferred away from Nouakchott to the Court of Appeal in Nouadhibou and the 13 activists were reportedly transferred to a prison in Zouérate, over 700 kilometres from Nouakchott. Ten of the 13 activists whose conviction was upheld on appeal were subsequently transferred to a prison in Bir Moghrein, an even more remote location over 1,200 kilometres from Nouakchott with no access to lawyers, medical services or their families. These measures could only be interpreted as an attempt to completely isolate and silence the activists.

67. Before and during his visit, the Special Rapporteur spoke with representatives of at least 50 Mauritanian NGOs. Nevertheless, after the completion of the mission, he was strongly criticized by some NGOs for being selective in his choice of interlocutors. The Special Rapporteur emphasizes that all major groups were invited to meet with him and he received inputs from across the spectrum. Representatives of several NGOs subsequently met with him in Geneva and emphasized their opposition to all of his recommendations, which they considered to be critical of government policy.

68. The real challenge for the Government and the NGOs that it supports is to understand that a vibrant and diverse civil society facilitates meaningful popular involvement, enables constructive inputs to policymaking processes, reduces the likelihood of alienation and is a crucial part of democracy.

E. Coordination by donors

69. The social development programmes of the Government are too often ad hoc and designed to reward powerful constituencies rather than respond to needs. International donors play a key role, but have done too little to encourage more principled and systematic policies by the Government or to promote the sort of coordination that would greatly enhance their combined impact.

VII. Conclusion and recommendations

70. **In addition to the recommendations on the cash transfer programme set out at the end of the mission statement, the Special Rapporteur makes the following specific recommendations to the Government of Mauritania, focusing on some of the critical problems and components of the anti-poverty framework in Mauritania.**

71. **With respect to the Strategy for Accelerated Growth and Shared Prosperity, the Special Rapporteur recommends as follows:**

(a) **if it is to be truly relevant, the strategy needs to be based on a realistic account of the current situation, with set manageable and measurable targets, and to identify precisely who will implement the policies and how;**

(b) **The objectives that do not take into account the huge variations in the challenges facing different ethnic groups will obscure the real problems and undermine the targeted policymaking to which the Government is committed. This can only be achieved on the basis of census data that acknowledge ethnic affiliations;**

(c) **The Government should acknowledge its extensive international human rights obligations; recognize specific economic and social rights; identify institutional arrangements to promote them; and establish a monitoring mechanism. In particular, the strategy should include a water component premised on the Government's obligations relating to the right to water and containing precise, measurable and realistic targets that make it possible to hold the Government to account;**

[67] Ibid. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20699&LangID=E.

(d) **The strategy should reflect extensive and authentic consultation with a wide spectrum of civil society. To that end,**

(i) **Relevant draft proposals should be published in the newspapers and on websites;**

(ii) **Civil society should be given sufficient time to respond to the proposals in writing;**

(iii) **Public hearings should be held;**

(iv) **The final version of the strategy should indicate how civil society inputs have been reflected;**

(e) **The Government should specify that social protection is a key element of the anti-poverty strategy, along the lines of the 2013 National Social Protection Strategy.**

72. **In order to address the problems of insecure land tenure, the Government should at least take the following steps:**

(a) **Organize a national dialogue on land issues that gives all affected communities and individuals a genuine opportunity to express their concerns and propose solutions to the insecurity of land tenure, including the problems of confiscations and evictions and the legacy of the *passif humanitaire*;**

(b) **Organize, in cooperation with a wide array of civil society organizations, an information campaign to ensure that all affected populations are aware of the basic rules and procedures of the 1983 land law (Ordinance 83-127) and related decrees, and ensure that the means of communication used enable all affected communities and individuals to access and understand the relevant information;**

(c) **Effectuate a major revision of the legal framework relating to land tenure, on the basis of extensive consultation with the affected communities and individuals.**

73. **The compliance of the National Commission on Human Rights with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) should be urgently reassessed by the Global Alliance of National Human Rights Institutions in order to accurately reflect its lack of independence and its minimal contributions to promoting respect for human rights.**

74. **Consideration should be given to the establishment of a Friends of Mauritania group, in which the major donors could discuss priorities in advance of their regular meetings with the Government.**